

RESPONSE  
SN 09/770,662  
PAGE - 4 of 6 -

### REMARKS

In the Office Action, the Examiner noted that claims 1-5 are pending in the application and that claims 1-5 are rejected. In view of the following discussion, the Applicant submits that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, the Applicant believes that all of these claims are now in condition for allowance.

### I. REJECTION OF CLAIMS 1-5 UNDER 35 U.S.C. §102

The Examiner rejected claims 1-5 as being anticipated by Amrany et al. (United States patent 6,192,109, issued February 20, 2001, hereinafter Amrany). The rejection is respectfully traversed.

Amrany teaches a method and apparatus for improved DSL communication. More specifically, the reference teaches a xDSL modem that is configured to generally transmit at high data rate, but will reduce its data transmission rate in response to one or more sensed conditions. Amrany also discloses a prior art communication system that comprises a central office that is connected to a customer premise by way of a local loop. The central office contains a POTS splitter that transmits a signal to a second POTS splitter that resides at the customer premise. The second POTS splitter includes a low pass filter that enables the device to protect the POTS equipment and xDSL communication device located at the customer premise from high frequency transmissions (See column 5, lines 4-30 and Figure 2).

Amrany, however, does not teach each and every element of Applicant's invention as recited in claim 1. Namely, Amrany does not teach the splitting of the xDSL services from the POTS services at a remote location outside the customer's premise. Specifically, Applicant's amended claim 1 positively recites:

1. A method for providing xDSL/POTS line sharing for multiple subscribers, the method comprising the steps of:
  - (a) accessing a telephone line supporting POTS services destined to a first subscriber;
  - (b) multiplexing xDSL services with said POTS services over said telephone line for delivery to a second subscriber; and

RESPONSE  
SN 09/770,662  
PAGE - 5 of 6 -

(c) splitting the xDSL services from the POTS services at a remote location outside a residence of at least one said subscriber. (Emphasis added)

The Applicant's invention claims a method for providing xDSL/POTS line sharing for multiple subscribers. Specifically, the invention entails the multiplexing of xDSL services and POTS services at a central office for the eventual delivery to a subscriber. The multiplexed signal is ultimately split at a remote location outside a residence of at least one subscriber (e.g., see Figure 3). Since Amrany does not disclose the splitting of the xDSL services from the POTS services at a remote location outside a residence of at least one subscriber, this reference does not teach each and every element of the Applicant's invention as recited in claim 1. Therefore, the Applicant contends that claim 1 is not anticipated by Amrany and therefore fully satisfies the requirements of 35 U.S.C. §102.

Dependent claims 2 and 3 depend, either directly or indirectly, from claim 1 and recite additional features thereof. As such and for the exact same reasons set forth above, the Applicant submits that claims 2 and 3 are not anticipated by the teachings of Amrany. Therefore, the Applicant submits that claims 2 and 3 fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

Similarly, the Examiner rejected claim 4 under 35 U.S.C. §102. In response, the Applicant has cancelled claim 4. Accordingly, the Applicant respectfully requests that the rejection to the claim is moot.

The Applicant's amended claim 5 teaches a system for providing POTS/xDSL line sharing for multiple subscribers over a single telephone line. Essentially, amended claim 5 recites a system that contains similar limitations as recited in amended claim 1. Namely, the system comprises a splitter that is located in a remote location outside a residence of at least one subscriber. Thus, the Applicant contends that claim 5 is not anticipated by Amrany under 35 U.S.C. §102 for the same reasons set forth above for claim 1. Consequently, the Applicant respectfully requests that the rejection to claim 5 be withdrawn.

RESPONSE  
SN 09/770,662  
PAGE - 6 of 6 -

### CONCLUSION


Thus, Applicant submits that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102. Consequently, Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Date

9/28/04

  
Kin-Wah Tong, Attorney  
Reg. No. 39,400  
(732) 530-9404

Moser, Patterson & Sheridan, LLP  
Attorneys at Law  
595 Shrewsbury Avenue  
Suite 100  
Shrewsbury, NJ 07702